

**Riparian Vegetation Management Task Force  
DRAFT meeting minutes  
Wednesday, March 26, 2008; Lincoln, Nebraska**

1. Call to order – Chairman Charles Brooks called the meeting to order. Roll call was taken. Task Force members present:

Kent Aden  
Mike Clements  
Ron Bishop  
Greg Ibach  
Charles Brooks  
Mike Linder  
Russ Shultz  
Neil Moseman (late arrival)

Mike Arps  
Rich Tesar  
Mike Sarchet  
Gloria Erickson  
Dr. Scott Josiah  
Senator Tom Carlson  
Jim Miller

Neil Moseman was appointed by Governor Heineman on March 21 to replace John Erickson.

Task Force members absent were:

Tom Thompson (resigned)  
Senator Deb Fischer  
Senator Don Preister

Senator John Harms  
Senator Cap Dierks

Task Force members who sent alternates were:

Dr. Gary Cunningham sent Dan Duncan  
Kirk Nelson sent Frank Albrecht  
Bob Bettger represented Department of Natural Resources for Ann Bleed, who resigned her director post on March 24.

Guests present included:  
John Thorburn  
Dan Beran

NDA staff members:  
Rich Reiman  
Mitch Coffin  
Bobbie Kriz-Wickham

2. Brooks noted the availability of a copy of the Nebraska Open Meetings Act. He noted for the record that notice for today's meeting was published in the *Omaha World-Herald* on March 2, the *Kearney Hub* on March 3, and in the *McCook Daily Gazette* on March 5.
3. Brooks opened discussion on the minutes from the January 14, 2007, meeting. Aden made a motion to approve the minutes. Arps seconded the motion.

Roll call vote: In support of the motion: Aden, Clements, Miller, Bishop, Ibach, Brooks, Linder, Shultz, Arps, Tesar, Josiah, Sarchet, Gloria Erickson, Senator Carlson. Voting against the motion: none.

4. No Old Business was reported.
5. Under New Business, each Work Group was scheduled to provide the Task Force a report.
  - a. **Streambed Ownership:** Russ Shultz reported that his Work Group has held three meetings and pulled together materials to help them address their three assigned actions.

He said they reviewed the streambed ownership situation and found the biggest problem with this issue appears to be on the Platte River. The group surveyed those 22 counties regarding streambed vegetation, management, and responsibility. He said they found there is much vegetation clogging the river, but cadastral maps of the streambed are not current so ownership of the areas is questionable, making it difficult to assign responsibility for streambed vegetation management. Ownership of parcels is tied to the thread of the stream, which moves regularly.

Shultz showed a series of maps highlighting the riparian vegetation problem. He showed maps of the river in Douglas County that highlighted major vegetation growth between 1999 and 2006. He explained a treatment project will be undertaken by Papio-Missouri Natural Resources District and several partners on 300 acres in the area. Tesar said the project has become necessary because the channel has lost its capability to move large ice jams. Schultz said the ownership issue has come up with this treatment project.

Shultz showed a map of the United States and noted that only five states, including Nebraska, assign streambed ownership to private citizens. The states own the streambed, usually based on the low water or high water mark.

(Neil Moseman arrives at the meeting.)

Shultz said in Nebraska ownership is assigned to the thread of the stream. The Register of Deeds keeps ownership records, but commonly these records don't reflect streambed ownership. County assessors maintain cadastral maps for the purpose of taxation, and county surveyors assist with these maps. He showed a series of maps to highlight how changes in the stream's banks, due to accretion, complicate the issues of ownership and taxation, and responsibility for vegetation. In many cases, he said, accretion land isn't being taxed.

He noted the difference between the thread of the stream, which is the water line at its lowest stage, provides the boundary between owners on opposite banks, and is constantly moving, and the geographic centerline, which is a division line that doesn't move and can create problems if it's used to define permanent boundaries, because it could mean loss of access for a landowner to the moving stream channel.

Aden said in Nebraska the courts seem to use the thread of the stream to decide cases, while county assessors seem to use the geographic centerline for their purposes. The two are in conflict, and create difficulties for the Task Force in trying to assign responsibility for riparian weed management.

Shultz proposed an option for allotting the present bank and streambed.

He reviewed the Work Group's survey of North Platte River counties. He said streambed cadastral maps are lacking, and most counties are taxing the accretion land, but not the streambed. The need to provide updated cadastral maps are many, including more staff, more funds, proven technology, and research of ownership, Shultz said.

The Work Group has made progress on its three actions, Shultz said.

- (1) They have researched the status of availability and use of cadastral maps.
- (2) The Work Group believes assessors should use existing cadastral maps until updated ones become available. They recommended the creation of a Streambed Cadastral Mapping Program to assist counties.
- (3) Regarding permanent boundaries, they recommend the use of a geographic centerline for tax and ownership purposes. Legislation may be needed to establish it for ownership purposes.

The Work Group wants to research options for assigning responsibility for streambed vegetation management.

- b. **Vegetation Management and Treatment:** Kent Aden reported his Work Group has met several times. He said through the meetings, the group has reviewed currently available management and control strategies and identified typical costs for those strategies. However, the Work Group believes more information is necessary in order to make recommendations on long-term management strategies and assess long-term cost effectiveness.

To address this need, Aden said the Work Group is proposing an integrated weed management applied research project and implementation strategy.

The research project is recommended for a three-year time period and in basins eligible for LB 701 funding. It will focus on integrating a variety of existing mechanical, biological, and chemical vegetation control methods. The results will be used to develop long-term best management practices for control efforts in the state.

He said there will be challenges to the research project because LB 701 grants are geographically oriented; limited entities can apply, and the funding runs out next year and is not assured of renewal. However, the Work Group believes this project is essential and is recommending it to the Task Force for endorsement.

Aden said a University of Nebraska-Lincoln research associate or post doctorate candidate would serve as statewide research coordinator for the project. It is expected about \$60,000 (not including treatment costs) per year is needed to fund the project.

Aden distributed a document detailing the research project. He outlined four objectives:

- (1) To optimize strategies for managing riparian invasive species over a range of growing conditions and to provide knowledge on how to adapt control methods to different ecosystems;
- (2) To reduce the risks associated with invasive species competition with native plants and potentially reduce the loss of wildlife habitat;
- (3) Determine the relationship between the land management practices and various control methods to improve acceptance of integrated weed management; and
- (4) Strengthen involvement of several disciplines at the university, state, federal, and private sector levels.

He reviewed the list of project “deliverables,” which includes distribution of gathered information through Extension outlets, scientific journals, and other outreach.

Aden provided an overview of the research, noting the project will be conducted on locations along the Platte, Republican, and Niobrara rivers from 2008-2010. Integrated weed control methods will be tested, including disking, mowing, grazing, and herbicides.

He reviewed the proposed budget, which is about \$60,000 per year for three years. To publicize the resulting information, Aden estimated an additional cost of \$49,000. The Task Force members discussed various options for acquiring funds to conduct the research project, including possible application to the Environmental Trust. They also discussed the timing of the project as it relates to gaining the services of a University graduate student this summer.

Senator Carlson noted the importance of moving ahead to acquire data that will help him be able to show positive progress as he approaches the Legislature for possible additional funding next session.

Josiah said he is concerned about what happens with these projects after LB 701 funding is exhausted, but noted the initial data collected should provide a good baseline.

Sarchet moved to approve the Work Group proposal for a long-term vegetative control and management applied research project. Clements seconded the motion.

Roll call vote: In support of the motion: Aden, Clements, Miller, Bishop, Ibach, Brooks, Linder, Shultz, Arps, Tesar, Josiah, Sarchet, Gloria Erickson, Senator Carlson. Voting against the motion: none.

- c. **Survey and Monitoring:** Rich Tesar asked John Thorburn to provide an update on the recent activities of the Work Group. Thorburn gave an overview of the various types of mapping used in Nebraska, including physical, digital, and remote sensing.

He said remote sensing is able to show different types of plants through different visual “signatures” on infrared aerial photos. This mapping has advantages, such as the ability to show information that is comprehensive over an area, the ability to gather data from areas that aren’t easily accessible on the ground, and over successive years, it can show the spread of plants or effectiveness of treatment. It also allows for more accurate measuring of infested areas, meaning better estimates for cost of treatment. He did note limitations, including that patches of infestation must be at least three square meters to be detectable, and the cost of infrared photography can be somewhat expensive.

The Task Force members talked about various remote sensing mapping projects that currently are being conducted. The U.S. Fish and Wildlife Agency is doing some work in the Platte River critical habitat areas, and some surveying has been conducted on the Republican River.

The members also discussed the cost of such mapping and options for funding. Thorburn also noted that point data collection is also a good tool, but said remote sensing allows for access to areas that can't be easily reached.

Brooks asked the Task Force to report any ongoing mapping projects to the Work Group.

(Senator Carlson departed the meeting.)

- d. **Education and Awareness:** Mike Clements reported that the Work Group is moving ahead to address its three action items, but that no conclusions have yet been reached. He said they have decided to expand their Work Group membership and will double the size by next meeting.

He said their focus is to build upon education efforts that are already in place. They have reviewed some of the existing educational materials, and he highlighted the development of a flow chart for educational and promotional material distribution.

Clements said the Work Group would like to hold two invasive species seminars in the Republican River basin in late May; development of these events is ongoing.

The Task Force talked about how the various work groups can work cooperatively with the Education and Awareness group to disseminate information.

- e. **Funding and Incentives:** Mike Arps reported on the recent meeting of this Work Group. He said the group viewed its work as an extension of the decisions reached by the other various work groups.

The Task Force discussed the need for funding of the research project introduced earlier in the meeting. Environmental Trust funds were again identified as an option. Funding from agencies, such as the Natural Resources Conservation Service, also was discussed. Brooks said the Platte Valley Weed Management Area officials would coordinate with other groups to apply for an Environmental Trust grant.

- f. **Goals, Objectives and Reports:** No report was available.
- g. **Vegetation Water Use:** Brooks said due to changes in staffing at the Nebraska Department of Natural Resources there has not been much activity by this Work Group.

The Task Force discussed the need to revitalize this Work Group. Shultz and Aden agreed to serve on the group, and Bishop volunteered to chair it.

6. Several items were covered under Other Items.

- a. Ibach discussed the possible designation of phragmites as a noxious weed in the state. The Department of Agriculture, which is responsible for making such a determination, has gathered a variety of data, including polling county weed control authorities. Roughly 60 percent of those who responded were in favor of the designation.

After a review of all data, Ibach said, he anticipates putting in place a temporary noxious designation for phragmites for the entire state through February 2009. At that time, a full designation, through formal rulemaking, would be pursued unless compelling information was presented not to move ahead. Ibach said he wanted to be sensitive to areas of large-scale infestation.

Shultz said the Lower Platte River system officials would like a phragmites designation for their area now. The Task Force discussed various options and concerns associated with such designation.

- b. Coffin gave an overview of the timeline for the 2008 round of Riparian Vegetation Management Grants. Call for proposals went out March 7 and applications are due April 7; grants should be awarded by early May.

- c. Brooks opened the floor for discussion. Shultz said his Work Group wanted permission to move ahead with their proposed fourth action item to look at long-term responsibility for management of vegetation in the streambed. Shultz made a motion to approve the addition. Tesar seconded the motion. The motion was adopted by consensus.
  - d. The next meeting will be scheduled to coincide with the Invasive Species Control Summit planned for May 6-8 in Gering.
7. The meeting adjourned at 1:45 p.m.

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